



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9 – PACIFIC SOUTHWEST REGION
75 Hawthorne Street
San Francisco, CA 94105-3901

Electronic Mail

Brett Womack
Womack Construction
brett@womackent.com
461 Firehouse Rd.
Lake Almanor, CA 96137 (Westwood)
(530) 596-3364

RE: Request for Information under Clean Water Act (CWA) Section 308(a)
Unauthorized discharges into Lake Almanor
EPA Docket No. CWA-308-9-21-003

Dear Brett Womack:

The U.S. Environmental Protection Agency, Region 9 (EPA) is requesting information from you about the work that you and Womack Construction performed that resulted in the placement of excavated material and/or fill material below the ordinary high-water mark at various locations in Lake Almanor, and whether that work complied with the requirements of section 404 of the Clean Water Act (CWA), 33 U.S.C. § 1344. We request this information pursuant to EPA's information-gathering authority under section 308 of the CWA, 33 U.S.C. § 1318. Please provide us your response to the questions in the attached Request for Information by **June 30, 2021** by email to:

Scott McWhorter
U.S. Environmental Protection Agency, Region 9
Enforcement and Compliance Assurance Division, ENF 3-2
Mcwhorter.Scott@epa.gov

Your response to this Request for Information must be accompanied by the following certification signed by a responsible officer in accordance with 40 C.F.R. § 122.22:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

You may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated regulations, under 40 C.F.R. Part 2, Subpart B, to

protect confidential business information it receives. A legally supportable claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. § 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice. All confidentiality claims are subject to EPA verification.

Failure to comply with this Request for Information can result in an enforcement action for appropriate remedies, including penalties, under section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Request for Information does not relieve you or Womack Construction of the obligation to comply with the CWA or other applicable laws and permits.

This Request for Information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a “collection of information” under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Thank you for your cooperation and prompt attention to this Request for Information. If you have any questions regarding this Request for Information, please contact Scott McWhorter, at (415) 972-3584 or via mcwhorter.scott@epa.gov. Your attorney may contact Daron Ravenborg of our Office of Regional Counsel at (415) 972-3866 or via ravenborg.daron@epa.gov.

Sincerely,

ANDREW CHEW

Digitally signed by ANDREW
CHEW
Date: 2021.05.25 18:00:31 -07'00'

Andrew Chew, P.E.

Acting Stormwater, Wetlands and Oil Supervisor
Enforcement Compliance and Assurance Division

Request for Information
EPA Docket No. CWA-308-9-21-003

EPA requests that you, Brett Womack, provide information about the activities that you and any other persons acting on behalf of Womack Construction conducted at the locations identified below.

INSTRUCTIONS

1. Separate Response for Separate Question. Provide a separate narrative answer to each question and segregate responsive documents by each question or its subpart. Precede each answer with the number of the corresponding question or its subpart.
2. Best Information Available. Respond to the best of your ability, even if documents are not available. Explain any qualified response. If you do not have the responsive information but know the person from whom the information may be obtained, identify the person.
3. Document Submission. Provide copies of all responsive documents in your possession, custody or control. If a responsive document was, but no longer is, in your possession, custody or control, explain what was done with it. If another person has possession, custody or control of the document, identify the person. If the document was disposed of, explain when and why it was disposed of and who disposed of it.
4. Use of Document in Place of Answer. If a document provides the complete answer to a question, you may use it in place of a written answer by supplying the document and appropriately identifying the applicable portion of the document as answering a specific numbered question.
5. Document Alteration or Deletion. Explain the reason and identify the person responsible for any deleted, altered or redacted portion of a submitted document.
6. Obligation to Correct. If you later discover that any submitted information is incorrect, submit a corrected response as soon as possible.
7. No Effect on Other Legal Obligations. This Request for Information in no way alters or relieves you of other legal responsibilities or restrictions, including under the CWA.

DEFINITIONS

The following terms have the following definitions:

1. “Document” means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts, agreements, bid documents, purchase orders, work orders, invoices, manifests, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.

2. “You” shall mean Brett Womack, Womack Construction, and any person working for, with, or on behalf of Womack Construction.

REQUEST FOR INFORMATION

Please provide the following documents, information, and communications by **June 30, 2021**. If no such documents, information, and/or communication exist, then provide a clear and explicit explanation as to why they do not exist. Please identify your answers as “A.1.”, “B.2.”, “C.3.c.i.” etc., to correspond to the questions.

A. Background

1. Please describe and provide documentation regarding the current business structure and ownership status of Womack Construction.
2. Please identify all projects You conducted along the shore and within Lake Almanor since May 1, 2018. This should include the location and type of project. For example, you may respond with, “Bank Stabilization at 123 Main Street” or “Rip Rap Excavation at 789 Main Street.” At a minimum, identify all bank stabilization projects, rip rap, fill and excavation projects, and other similar projects conducted along the shore and within Lake Almanor.

B. Project No. 1 - 630-648 Peninsula Drive

The questions for Section B pertain to the excavation and staging of materials that took place along the shore or within Lake Almanor in the vicinity of 630-648 Peninsula Drive on or about November 2020 (“Project No. 1”).

1. Please provide all documents and/or communications that granted you access to the work site for Project No. 1;
2. Please describe and provide documentation to show the efforts you made to comply with section 404 of the Clean Water Act for Project No. 1;
3. Please describe and provide all documentation related to the work conducted for Project No. 1 including, but not limited to:
 - a. The date and time Project No. 1 began and ended;
 - b. Project No. 1’s location and size;
 - c. Project No. 1’s nature and purpose, including:
 - i. The project proposal and any related documentation. If no such proposal exists, describe the nature and purpose of the project. If You developed the proposal in coordination with another entity, provide the name of that entity and describe its relationship to Womack Construction;
 - ii. Any documentation relating to the funding of Project No. 1;
 - iii. Were alternative projects and/or locations evaluated? If so, please describe them and provide any relevant documentation;
 - d. The identity of all persons involved in approving these activities;
 - e. The identity of all persons involved in conducting these activities;
 - f. The type of equipment used for Project No. 1;

- g. Identify whether any excavated material or fill was staged at the project area. If so, identify the type, volume, and location of the staged material;
 - h. Identify whether any excavated material or fill was transported to the project area from another location for staging or some other purpose. If so, identify the type, volume, and location;
 - i. Identify whether any excavated material or fill was transported from the project area to another location. If so, identify the type, volume, and location;
 - j. The identity of all persons who operated equipment, including the vehicles that transported excavated material and/or fill to or from the project area;
 - k. All photographs, videos, and other visual documentation or information depicting the area before, during, and after work at Project No. 1;
4. Provide all documentation related to any permits or authorizations for Project No. 1, and all efforts you made to inquire about or obtain authorization and/or permits for Project No. 1, including but not limited to:
- a. Any communication between You (and any other parties that were involved in Project No. 1's development and implementation) and any federal, state, or local government agencies, including the Regional Water Quality Control Board and the California Department of Fish and Wildlife;
 - b. Any communication with the U.S. Army Corps of Engineers relating to work on Project No. 1; and
 - c. Any communication with Pacific Gas and Electric Company relating to work on Project No. 1.

C. Project No. 2 - 920-928 Peninsula Drive

The questions for Section C pertain to the excavation and staging of materials that took place along the shore or within Lake Almanor in the vicinity of 920-928 Peninsula Drive on or about November 2020 ("Project No. 2").

- 1. Please provide all documents and/or communications that granted you access to the work site for Project No. 2;
- 2. Please describe and provide documentation to show the efforts you made to comply with section 404 of the Clean Water Act for Project No. 2;
- 3. Please describe and provide all documentation related to the work conducted for Project No. 2 including, but not limited to:
 - a. The date and time Project No. 2 began and ended;
 - b. Project No. 2's location and size;
 - c. Project No. 2's nature and purpose, including:
 - i. The project proposal and any related documentation. If no such proposal exists, describe the nature and purpose of the project. If You developed the proposal in coordination with another entity, provide the name of that entity and describe its relationship to Womack Construction;

- ii. Any documentation relating to the funding of Project No. 2;
 - iii. Were alternative projects and/or locations evaluated? If so, please describe them and provide any relevant documentation;
 - d. The identity of all persons involved in approving these activities;
 - e. The identity of all persons involved in conducting these activities;
 - f. The type of equipment used for Project No. 2;
 - g. Identify whether any excavated material or fill was staged at the project area. If so, identify the type, volume, and location of the staged material;
 - h. Identify whether any excavated material or fill was transported to the project area from another location for staging or some other purpose. If so, identify the type, volume, and location;
 - i. Identify whether any excavated material or fill was transported from the project area to another location. If so, identify the type, volume, and location;
 - j. The identity of all persons who operated equipment, including the vehicles that transported excavated material and/or fill to or from the project area;
 - k. All photographs, videos, and other visual documentation or information depicting the area before, during, and after work at Project No. 2;
4. Provide all documentation related to any permits and/or authorizations for Project No. 2, and all efforts you made to inquire about or obtain authorization and/or permits for Project No. 2, including but not limited to:
- a. Any communication between You (and any other parties that were involved in Project No. 2's development and implementation) and any federal, state, or local government agencies, including the Regional Water Quality Control Board and the California Department of Fish and Wildlife;
 - b. Any communication with the U.S. Army Corps of Engineers relating to work on Project No. 2; and
 - c. Any communication with Pacific Gas and Electric Company relating to work on Project No. 2.

D. Project No. 3 - (b) (6) Residence

The questions for Section D pertain to the work conducted along the shore or within Lake Almanor at 658 Peninsula Drive ("Project No. 3" or "(b) (6) Residence") on or about November 2020.

- 1. Please describe and provide documentation to show the efforts you made to comply with section 404 of the Clean Water Act for Project No. 3;
- 2. Please describe and provide all documentation related to the work conducted at Project No. 3, including, but not limited to:
 - a. The "As Built Plan" for Project No. 3;
 - b. The estimated date and time Project No. 3 began and ended;
 - c. Project No. 3's location and size;
 - d. Project No. 3's nature and purpose, including:

- i. The project proposal and any related documentation. If no such proposal exists, describe the nature and purpose of the project. If You developed the proposal in coordination with another entity, please provide the name of that entity and describe its relationship to Womack Construction;
 - ii. Any documentation relating to the funding of Project No. 3;
 - e. The identity of all persons involved in approving Project No. 3's activities;
 - f. The identity of all persons involved in conducting Project No. 3's activities;
 - g. The type of equipment used for Project No. 3;
 - h. Identify whether any excavated material or fill was transported to the project area from another location for bank stabilization or some other purpose. If so, identify the type, volume, and location;
 - i. Identify whether any excavated material or fill was staged at the project area. If so, identify the type, volume, and location of the staged material;
 - j. The identity of all persons who drove and/or operated the vehicles that transported excavated material or fill to or from the project area;
 - k. Any and all photographs, videos, or other visual documentation or information depicting the area before, during, or after work at Project No. 3;
3. Provide all documentation related to any permits and/or authorizations for Project No. 3, and all efforts you made to inquire about or obtain authorization and/or permits for Project No. 3, including but not limited to:
- a. Any communication between You (and any other parties that were involved in Project No. 3's development and implementation) and any federal, state, or local government agencies, including the Regional Water Quality Control Board and the California Department of Fish and Wildlife;
 - b. Any communication with the U.S. Army Corps of Engineers relating to work on Project No. 3; and
 - c. Any communication with Pacific Gas and Electric Company relating to work on Project No. 3.
4. Provide all documentation and communications related to the Project between You and the (b) (6).

E. Project No. 4 - (b) (6) Residence

The questions for Section E pertain to the work conducted along the shore or within Lake Almanor at 656 Peninsula Drive ("Project No. 4" or "(b) (6) Residence") on or about November 2020.

- 1. Please describe and provide documentation to show the efforts you made to comply with section 404 of the Clean Water Act for Project No. 4;
- 2. Please describe and provide all documentation related to the work conducted at Project No. 4, including, but not limited to:
 - a. The "As Built Plan" for Project No. 4;
 - b. The estimated date and time Project No. 4 began and ended;

- c. Project No. 4's location and size;
 - d. Project No. 4's nature and purpose, including:
 - i. The project proposal and any related documentation. If no such proposal exists, describe the nature and purpose of the project. If You developed the proposal in coordination with another entity, please provide the name of that entity and describe its relationship to Womack Construction;
 - ii. Any documentation relating to the funding of Project No. 4;
 - e. The identity of all persons involved in approving Project No. 4's activities;
 - f. The identity of all persons involved in conducting Project No. 4's activities;
 - g. The type of equipment used for Project No. 4;
 - h. Identify whether any excavated material or fill was transported to the project area from another location for bank stabilization or some other purpose. If so, identify the type, volume, and location;
 - i. Identify whether any excavated material or fill was staged at the project area. If so, identify the type, volume, and location of the staged material;
 - j. The identity of all persons who drove and/or operated the vehicles that transported excavated material or fill to or from the project area;
 - k. Any and all photographs, videos, or other visual documentation or information depicting the area before, during, or after work at Project No. 4;
3. Provide all documentation related to any permits and/or authorizations for Project No. 4, and all efforts you made to inquire about or obtain authorization and/or permits for Project No. 4, including but not limited to:
- a. Any communication between You (and any other parties that were involved in Project No. 4's development and implementation) and any federal, state, or local government agencies, including the Regional Water Quality Control Board and the California Department of Fish and Wildlife;
 - b. Any communication with the U.S. Army Corps of Engineers relating to work on Project No. 4; and
 - c. Any communication with Pacific Gas and Electric Company relating to work on Project No. 4.
4. Provide all documentation and communications related to the Project between You and the (b) (6).

F. Project No. 5 - (b) (6) Residence

The questions for Section F pertain to the work conducted along the shore or within Lake Almanor at 626 Peninsula Drive ("Project No. 5" or "(b) (6) Residence") on or about December 2020.

- 1. Please describe and provide documentation to show the efforts you made to comply with section 404 of the Clean Water Act for Project No. 5;
- 2. Please describe and provide all documentation related to the work conducted at Project No. 5, including, but not limited to:
 - a. The "As Built Plan" for Project No. 5;

- b. The estimated date and time Project No. 5 began and ended;
 - c. Project No. 5's location and size;
 - d. Project No. 5's nature and purpose, including:
 - i. The project proposal and any related documentation. If no such proposal exists, describe the nature and purpose of the project. If You developed the proposal in coordination with another entity, please provide the name of that entity and describe its relationship to Womack Construction;
 - ii. Any documentation relating to the funding of Project No. 5;
 - e. The identity of all persons involved in approving Project No. 5's activities;
 - f. The identity of all persons involved in conducting Project No. 5's activities;
 - g. The type of equipment used for Project No. 5;
 - h. Identify whether any excavated material or fill was transported to the project area from another location for bank stabilization or some other purpose. If so, identify the type, volume, and location;
 - i. Identify whether any excavated material or fill was staged at the project area. If so, identify the type, volume, and location of the staged material;
 - j. The identity of all persons who drove and/or operated the vehicles that transported excavated material or fill to or from the project area;
 - k. Any and all photographs, videos, or other visual documentation or information depicting the area before, during, and/or after work at Project No. 5;
3. Provide all documentation related to any permits and/or authorizations for Project No. 5, and all efforts you made to inquire about or obtain authorization and/or permits for Project No. 5, including but not limited to:
- a. Any communication between You (and any other parties that were involved in Project No. 5's development and implementation) and any federal, state, or local government agencies, including the Regional Water Quality Control Board and the California Department of Fish and Wildlife;
 - b. Any communication with the U.S. Army Corps of Engineers relating to work on Project No. 5; and
 - c. Any communication with Pacific Gas and Electric Company relating to work on Project No. 5.
4. Provide all documentation and communications related to the Project between You and the (b) (6).